United Nations A/C.5/71/SR.25

General Assembly
Seventy-first session

Official Records

Distr.: General
19 April 2017

Original: English

Fifth Committee

Summary record of the 25th meeting
Held at Headquarters, New York, on Wednesday, 8 March 2017, at 10 a.m.

Chair: Mr. Pretterhofer (Vice-Chair) ..... (Austria)
Chair of the Advisory Committee on Administrative and Budgetary Questions: Mr. Ruiz Massieu

Contents

Agenda item 148: Financing of the International Residual Mechanism for Criminal Tribunals (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

17-03786 (E)

Please recycle

The meeting was called to order at 10.05 a.m.

Agenda item 148: Financing of the International Residual Mechanism for Criminal Tribunals
(*continued*) (A/71/753 and A/71/812)

1. **Mr. Elias** (Registrar of the International Residual Mechanism for Criminal Tribunals), introducing the Secretary-General's report on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/71/753), said that the construction project had started in January 2012 on land donated by the host State, the United Republic of Tanzania. The work had been substantially completed on 1 December 2016 and staff had moved in on 5 December 2016. The project had maintained an excellent safety and environmental record and had remained within budget, with unused funds of approximately $455,000, or 43 per cent of the contingency provision, to be returned to the Member States on completion.

2. The lessons learned from other United Nations projects had been applied and local design elements, materials and labour had been used. The support of the host State, the technical guidance of the Office of Central Support Services, the Office of Legal Affairs and other Secretariat departments, the efforts of Mechanism staff with the assistance of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and the leadership of the project owner from the initial planning to the completion of construction had been essential. As Registrar, he would assume the responsibilities of the project owner to ensure that the post-construction activities were successful. In 2017, the project team would manage the defect liability period and ensure that any required remedial work was completed expeditiously. After the closure of the project account, scheduled for the end of 2017, unused funds would be returned to the Member States.

3. The efforts of the United Nations had resulted in the timely conclusion of the pre-construction activities, and, with the cooperation of the architects and the contractor, occupancy had been achieved a few months earlier than originally projected. However, the timeline set out in the Secretary-General's previous report (A/70/698) had not been respected because of a topographical error at the start of construction and the delayed delivery of the curtain wall. He was committed to recovering direct and indirect costs arising from delays and errors attributable to the architects and contractor, as requested by the General Assembly in its resolution 70/258. In the post-construction phase, the United Nations would invoke all remedies available to recover costs arising from construction delays beyond the contractual deadline. Doing so earlier, when efforts were focused on expeditiously completing the construction, could have been disruptive. The Mechanism and the Office of Central Support Services would continue to collaborate to ensure that technical guidance, recommendations and lessons learned from other capital projects were applied.

4. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/71/812), said that the Advisory Committee looked forward to the full completion of the project within the 12-month post-occupancy phase, which had begun on 1 December 2016. The repairs in the punch list developed by the project team should be addressed in a timely manner and related cost implications for the Organization should be avoided as far as possible. At the end of 2016, the total expenditure had amounted to $8.3 million, with projected expenditure in 2017 of $1.0 million. The United Nations should not be responsible for paying direct or indirect costs resulting from the delays in the project, which had reduced the estimated savings, or from damages. An assessment was being conducted with a view to attributing that responsibility. The Advisory Committee looked forward to the finalization of the third and final audit by the Office for Internal Oversight Services, which would cover post-construction activities. Unused contingency funds should be returned to Member States at the conclusion of the project. Since certain matters were outstanding, the Advisory Committee recommended that the General Assembly should request the Secretary-General to submit a final progress report at the Assembly's seventy-second session.

5. **Mr. Viera** (Ecuador), speaking on behalf of the Group of 77 and China, said that the Group welcomed the substantial completion of the construction of the facility, which had been fully operational and occupied by the Mechanism since December 2016. The Group expressed its appreciation for the support of the Government of the United Republic of Tanzania for the

project, the Tribunal and the Mechanism. The Secretary-General should ensure that cooperation between the United Nations and stakeholders continued in the post-occupancy phase. The Group would seek further information regarding the project delays, their direct and indirect costs, and the recovery of those costs through contractual remedies. The defect and liability phase should be completed within the projected timeline at no further cost to the United Nations.

6. With regard to the governance and oversight of the project, the Group looked forward to receiving updates on the work of the Office of Internal Oversight Services and the audit of the post-construction phase. The Mechanism should share the lessons learned from the construction and discuss the establishment of synergies and efficiencies with the other international organizations and judicial institutions that were expected to move to the vicinity of the facility.

7. **Mr. Abdallah** (Chad), speaking on behalf of the Group of African States, said that the Group welcomed the fact that the project had remained within budget, that no safety, ethical or environmental risks had materialized, and that the buildings and public areas had been made wheelchair-accessible, in accordance with the Convention on the Rights of Persons with Disabilities. Local knowledge, capacity and materials had been used and the facility was energy efficient. Savings had been made by reusing furniture from the International Criminal Tribunal for Rwanda. The Group would seek clarification regarding the delays in implementation, which had affected expenditure, and would follow up on the possibility of accommodating the Residual Special Court for Sierra Leone on the premises.

8. **Mr. Ngei Rogoa** (Kenya) said that his delegation appreciated the contribution of the Office of Central Support Services to the project and trusted that the Secretary-General would announce efforts to provide appropriate accommodation, including buildings and facilities, at other duty stations. The project had been completed as a result of effective governance and oversight and strong teams on the ground. The lessons learned and best practices should be applied in ongoing and future construction projects.

The meeting rose at 10.25 a.m.